

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JAMES STIFFLER,)	
)	
Plaintiff,)	
)	Civil Action No. 05-1112
v.)	
)	
EQUITABLE RESOURCES, INC.,)	Judge Terrence F. McVerry
)	Magistrate Judge Lisa Pupo Lenihan
Defendant.)	

MEMORANDUM ORDER

Plaintiff's Amended Complaint was received by the Clerk of Court on September 12, 2005 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate's Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (Doc. No. 60) filed on August 23, 2006, recommended that Defendant Equitable Resources Inc.'s Motion for Summary Judgment (Doc. No. 9) be granted. Service was made on all counsel of record. The parties were informed that in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrates, that they had ten (10) days to file any objections. Plaintiff filed Objections to the Report and Recommendation (Doc. No. 60) on September 18, 2006. After review of the pleadings and the documents in the case, together with the Report and Recommendation and the objections thereto, the following Order is entered:

AND NOW, this 27th day of September, 2006;

IT IS HEREBY ORDERED that Defendant Equitable Resources Inc.'s Motion for Summary Judgment (Doc. No. 9) is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**.

IT IS FURTHER ORDERED that the Report and Recommendation (Doc. No.60) of Magistrate Judge Lenihan, dated August 23, 2006, is adopted as the Opinion of the Court.

BY THE COURT:

s/ Terrence F. McVerry
United States District Judge

cc: The Honorable Lisa Pupo Lenihan
United States Magistrate Judge

All counsel of record